REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

In the present Application, Claims 23, 25-29, 33, and 35-39 are pending. Claims 1-22 were cancelled by a previous amendment. The present Amendment amends independent Claims 23 and 33 without introducing any new matter, nor raising new issues that would require further search and/or consideration; and cancels Claims 24, 30-32, and 34 without prejudice or disclaimer.

In the Official Action, Claims 23-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneck et al. (U.S. Patent No. 6,510,349; hereinafter "Schneck") in view of Klein (U.S. Patent No. 7,103,661).

In the present Amendment, independent Claims 23 and 33 are amended to recite some of the features of dependent Claims 24 and 34, respectively. No new matter has been added by these amendments. Consequently, dependent Claims 24 and 34 are cancelled without prejudice or disclaimer. Moreover, the present amendment also cancels without prejudice Claims 30-32 that are directed to a server.

In response to the rejection of Claim 23 under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly summarizing, new Claim 23 is directed to a mobile communication terminal device configured to perform encrypted communication with a communication system over a wireless connection. The terminal device includes a detection unit configured to establish a communication activation procedure with the communication system, and configured to detect a security level that is used during the communication activation procedure with the communication system; and an announcing unit configured to inform a user of the mobile

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communication terminal device about a strength of encryption of the detected security level

from the communication activation procedure. Moreover, the terminal further includes a user

interface operable by the user, configured to allow the user to accept an incoming

communication from the communication system, or is configured to allow the user to

terminate the communication with the communication system, based on the detected security

level.

Turning now to the applied references, Schneck is directed to a method of data

communication with adaptive data security, where a host 103 sends a data stream to a

receiver 106, with data that includes verification type, security algorithm, and target and

actual security level. (Schneck, Abstract, col. 4, ll. 22-59, and Fig. 1.) Schneck explains that

the desired security configuration can be displayed on a display device 136 of the host 103

that sends the data, and that the actual security level can be ultimately be determined by the

receiver 106, depending on a configuration specified by the user. (Schneck, col. 5, ll. 10-15,

Fig. 3, step S306.) Regarding the step S306 in Figure 3, Schneck explains that once the

communication has been set-up after step S303, data communication is established, and

desired security parameters are sent to the receiver 106. (Schneck, col. 8, ll. 27-31.) In a case

the receiver 106 cannot establish the desired security level because of insufficient processing

power (security operations per second, SOPS), the receiver 106 can propose an "actual

security configuration" to the send host 103. (Schneck, col. 8, ll. 31-42.) The parameters of

the "actual security configuration" can be displayed *on the sender side*, at the send host 103

on its display device 130. (Schneck, col. 8, ll. 42-48.) An example of such a display on the

sender side is shown in Figure 4, where different security parameters can be set. (Schneck,

col. 9, ll. 30-50, Fig. 4.) However, Schneck fails to teach all the features of Applicants'

amended, independent Claim 23. In particular, Schneck fails to teach:

> the ***terminal further includes a user interface operable by the user***,
> ***configured to allow the user to accept an incoming communication from the***
> ***communication system***, or is configured to allow the user to terminate the
> communication with the communication system, based on the detected
> security level.

(Claim 23, portions omitted, emphasis added.) As explained above, in <u>Schneck</u>, the user

decides on the sender side (send host 103) whether the communication should be established,

and what the security parameters should be, based on a suggestion from the receive host 106.

(<u>Schneck</u>, Fig. 1, ref. 103, 136, 129. see also col. 7, ll. 12-15, "the user may adjust the actual

security level via the user input 129.") Therefore, <u>Schneck</u> fails to teach that the terminal

further includes a user interface operable by the user, configured to allow the user ***to accept***

an incoming communication from the communication system. In <u>Schneck</u>, the

communication from the send host 103 with the display 136 is outgoing to device 106.

The reference <u>Klein</u>, used by the pending Office Action to form a 35 U.S.C. § 103(a)

rejection, fails to remedy the deficiencies of <u>Schneck</u>, even if we assume that the combination

is proper. Therefore, the cited passages of <u>Schneck</u> and <u>Klein</u> fail to teach every element of

Applicants' Claim 23. Accordingly, Applicants respectfully traverse, and request

reconsideration of this rejection based on these references.

Independent Claims 33 recites features that are analogous to the features recited in

independent Claim 23, but directed to a method. Moreover, independent Claim 33 has been

amended analogously to the amendments to independent Claim 23. Accordingly, for the

reasons stated above for the patentability of Claim 23, Applicants respectfully submit that the

rejections of Claim 33, and the rejections of all associated dependent claims, are also believed

to be overcome in view of the arguments regarding independent Claim 23.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §

1.116, which after Final Rejection permits entry of amendments placing the claims in better

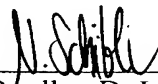form for consideration on appeal. As the present amendment is believed to overcome

outstanding rejections under 35 U.S.C. §103(a), the present amendment places the application in better form for consideration on appeal. In addition, the present amendment does not raise any new issues because the changes to Claims 23 and 33 merely recite features of dependent Claims 24 and 34. It is therefore respectfully requested that 37 C.F.R. § 1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 23, 25-29, 33, and 35-39 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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